

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY D. EDWARDS,
Plaintiff,
v.
COUNTY OF SACRAMENTO, et al.,
Defendants.

No. 2:22-cv-1854 DB P

ORDER

Plaintiff is a county jail inmate proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that he was denied adequate medical care. Presently before the court is plaintiff's amended complaint for screening (ECF No. 10). For the reasons set forth below, the court will dismiss the complaint with leave to amend.

SCREENING

I. Legal Standards

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or an officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915A(b)(1) & (2).

1 A claim is legally frivolous when it lacks an arguable basis either in law or in fact.
 2 Neitzke v. Williams, 490 U.S. 319, 325 (1989); Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th
 3 Cir. 1984). The court may, therefore, dismiss a claim as frivolous where it is based on an
 4 indisputably meritless legal theory or where the factual contentions are clearly baseless. Neitzke,
 5 490 U.S. at 327. The critical inquiry is whether a constitutional claim, however inartfully
 6 pleaded, has an arguable legal and factual basis. See Franklin, 745 F.2d at 1227.
 7 Rule 8(a)(2) of the Federal Rules of Civil Procedure “requires only ‘a short and plain
 8 statement of the claim showing that the pleader is entitled to relief,’ in order to ‘give the
 9 defendant fair notice of what the . . . claim is and the grounds upon which it rests.’” Bell
 10 AtlanticCorp. v. Twombly, 550 U.S. 544, 555 (2007) (quoting Conley v. Gibson, 355 U.S. 41, 47
 11 (1957)).

12 However, in order to survive dismissal for failure to state a claim a complaint must
 13 contain more than “a formulaic recitation of the elements of a cause of action;” it must contain
 14 factual allegations sufficient “to raise a right to relief above the speculative level.” Bell Atlantic,
 15 550 U.S. at 555. In reviewing a complaint under this standard, the court must accept as true the
 16 allegations of the complaint in question, Hospital Bldg. Co. v. Rex Hospital Trustees, 425 U.S.
 17 738, 740 (1976), construe the pleading in the light most favorable to the plaintiff, and resolve all
 18 doubts in the plaintiff’s favor. Jenkins v. McKeithen, 395 U.S. 411, 421 (1969).

19 The Civil Rights Act under which this action was filed provides as follows:

20 Every person who, under color of [state law] . . . subjects, or causes
 21 to be subjected, any citizen of the United States . . . to the deprivation
 22 of any rights, privileges, or immunities secured by the Constitution .
 . . shall be liable to the party injured in an action at law, suit in equity,
 or other proper proceeding for redress.

23 42 U.S.C. § 1983. Here, the defendants must act under color of federal law. Bivens, 403 U.S. at
 24 389. The statute requires that there be an actual connection or link between the
 25 actions of the defendants and the deprivation alleged to have been suffered by plaintiff. See
 26 Monell v. Dept. of Social Servs., 436 U.S. 658 (1978); Rizzo v. Goode, 423 U.S. 362
 27 (1976). “A person ‘subjects’ another to the deprivation of a constitutional right, within the
 28 meaning of § 1983, if he does an affirmative act, participates in another's affirmative acts or

omits to perform an act which he is legally required to do that causes the deprivation of which complaint is made.” Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

Moreover, supervisory personnel are generally not liable under § 1983 for the actions of their employees under a theory of respondeat superior and, therefore, when a named defendant holds a supervisory position, the causal link between him and the claimed constitutional violation must be specifically alleged. See Fayle v. Stapley, 607 F.2d 858, 862 (9th Cir. 1979); Mosher v. Saalfeld, 589 F.2d 438, 441 (9th Cir. 1978). Vague and conclusory allegations concerning the involvement of official personnel in civil rights violations are not sufficient. See Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982).

II. Allegations in the Complaint

As with the original complaint, there are portions of plaintiff’s amended complaint that are illegible. The court has endeavored to determine what the complaint states, even though it is not entirely legible. In any amended complaint, plaintiff is encouraged to write legibly and utilize additional sheets of paper if necessary.

Plaintiff states the events giving rise to the claim occurred while he was housed at Rio Cosumnes Correctional Center (“RCCC”). (ECF No. 10 at 1.) The amended complaint does not contain factual allegations. Rather, plaintiff has provided over 200 pages of exhibits and in the space on the complaint form for supporting facts, he refers the court to the attached documents. (See id. at 3-5.)

III. Failure State a Claim under § 1983?

It appears from review of the amended complaint, that plaintiff believes the exhibits filed along with the complaint (ECF No. 10 at 7-291; ECF No. 11 at 2-29.), are sufficient to state a claim. However, Local Rule 220 requires that a complaint be complete in itself without references to any prior pleading. Therefore, the complaint cannot be comprised of two separate filings.

As plaintiff was previously advised (ECF No. 1 at 5), the court is not required to review exhibits to determine what plaintiff’s allegations are as to each named defendant. Gardner v. Brown, No. 2:18-cv-0741 MCE DB P, 2019 WL 2370266, at *1 (E.D. Cal. June 15, 2019); Rio-

1 Sosa v. Foulk, 2:14-cv-0727 DB P, 2017 WL 3720083, at *3 (E.d. Cal. Aug. 29, 2017). Rather,
 2 the complaint must contain “a short and plain statement of the claim showing that the pleader is
 3 entitled to relief...” Fed. R. Civ. Pro. 8(a). “Such a statement must simply give the defendant
 4 fair notice of what the plaintiff's claim is and the grounds upon which it rests.” Swierkiewicz v.
 5 Sorema N. A., 534 U.S. 506, 512 (2002).

6 Detailed factual allegations are not required, but “[t]hreadbare recitals of the elements of a
 7 cause of action, supported by mere conclusory statements, do not suffice.” Ashcroft v. Iqbal, 556
 8 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)).
 9 Plaintiff must set forth “sufficient factual matter, accepted as true, to ‘state a claim that is
 10 plausible on its face.’” Iqbal, 556 U.S. at 678 (quoting Twombly, 550 U.S. at 555). Factual
 11 allegations are accepted as true, but legal conclusions are not. Iqbal, at 678; see also Twombly,
 12 550 U.S. at 556–557; Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009).

13 The pleadings of pro se prisoners are construed liberally and are afforded the benefit of
 14 any doubt. Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010). However, “the liberal pleading
 15 standard . . . applies only to a plaintiff’s factual allegations.” Neitze v. Williams, 490 U.S. 319,
 16 330 n.9 (1989). A “liberal interpretation of a civil rights complaint may not supply essential
 17 elements of the claim that were not initially pled,” Bruns v. Nat’l Credit Union Admin., 122 F.3d
 18 1251, 1257 (9th Cir. 1997) (quoting Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)),
 19 and courts are not required to indulge unwarranted inferences, Doe I v. Wal-Mart Stores, Inc.,
 20 572 F.3d 677, 681 (9th Cir. 2009) (internal quotation marks and citation omitted).

21 In the original complaint, plaintiff raised allegations related to medical care received while
 22 housed at RCCC. (ECF No. 1.) Plaintiff may be able to state a claim based on his allegations
 23 that he was deprived of adequate medical care. However, plaintiff has not provided any factual
 24 allegations connecting the inadequacies in his medical care to any named defendant. (See ECF
 25 No. 10 at 3-5.) In any amended complaint, plaintiff must state facts explaining how each
 26 defendant was involved in the deprivation of his rights. “To state a claim under § 1983, a
 27 plaintiff must allege the violation of a right secured by the Constitution and laws of the United
 28 States, and must show that the alleged deprivation was committed by a person acting under color

of state law.” West v. Atkins, 487 U.S. 42, 48-49 (1988). Because plaintiff has not provided any factual allegations in the amended complaint, the court will dismiss the complaint without prejudice.

IV. Amending the Complaint

As set forth above, the complaint does not state a potentially cognizable claim. However, plaintiff will be given the opportunity to file an amended complaint. Plaintiff is advised that in an amended complaint he must clearly identify each defendant and the action that defendant took that violated his constitutional rights. The court is not required to review exhibits to determine what plaintiff’s charging allegations are as to each named defendant. The charging allegations must be set forth in the amended complaint, so defendants have fair notice of the claims plaintiff is presenting. That said, plaintiff need not provide every detailed fact in support of his claims. Rather, plaintiff should provide a short, plain statement of each claim. See Fed. R. Civ. P. 8(a).

Any amended complaint must show the federal court has jurisdiction, the action is brought in the right place, and plaintiff is entitled to relief if plaintiff’s allegations are true. It must contain a request for particular relief. Plaintiff must identify as a defendant only persons who personally participated in a substantial way in depriving plaintiff of a federal constitutional right. Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978) (a person subjects another to the deprivation of a constitutional right if he does an act, participates in another’s act or omits to perform an act he is legally required to do that causes the alleged deprivation).

In an amended complaint, the allegations must be set forth in numbered paragraphs. Fed. R. Civ. P. 10(b). Plaintiff may join multiple claims if they are all against a single defendant. Fed. R. Civ. P. 18(a). If plaintiff has more than one claim based upon separate transactions or occurrences, the claims must be set forth in separate paragraphs. Fed. R. Civ. P. 10(b).

The federal rules contemplate brevity. See Galbraith v. County of Santa Clara, 307 F.3d 1119, 1125 (9th Cir. 2002) (noting that “nearly all of the circuits have now disapproved any heightened pleading standard in cases other than those governed by Rule 9(b)”; Fed. R. Civ. P. 84; cf. Rule 9(b) (setting forth rare exceptions to simplified pleading). Plaintiff’s claims must be set forth in short and plain terms, simply, concisely and directly. See Swierkiewicz v. Sorema

1 N.A., 534 U.S. 506, 514 (2002) (“Rule 8(a) is the starting point of a simplified pleading system,
2 which was adopted to focus litigation on the merits of a claim.”); Fed. R. Civ. P. 8.

3 An amended complaint must be complete in itself without reference to any prior pleading.
4 E.D. Cal. R. 220. Once plaintiff files an amended complaint, all prior pleadings are superseded.
5 Any amended complaint should contain all of the allegations related to his claim in this action. If
6 plaintiff wishes to pursue his claims against the defendant, they must be set forth in the amended
7 complaint.

8 By signing an amended complaint, plaintiff certifies he has made reasonable inquiry and
9 has evidentiary support for his allegations, and for violation of this rule the court may impose
10 sanctions sufficient to deter repetition by plaintiff or others. Fed. R. Civ. P. 11.

11 CONCLUSION

12 For the reasons set forth above, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff’s amended complaint (ECF No. 10) is dismissed with leave to amend.
- 14 2. Plaintiff is granted thirty days from the date of service of this order to file an amended
15 complaint that complies with the requirements of the Civil Rights Act, the Federal
16 Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint
17 must bear the docket number assigned to this case and must be labeled “Second
18 Amended Complaint.”
- 19 3. Failure to comply with this order will result in a recommendation that this action be
20 dismissed.

21 Dated: June 16, 2023

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24 DEBORAH BARNES
25 UNITED STATES MAGISTRATE JUDGE
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